



# Missouri Coalition for the Environment

Effective Citizen Action Since 1969

November 11, 2013

Environmental Protection Agency Region 7  
ATTN: FOIA Officer  
EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

Re: FOIA REQUEST

Dear FOIA Officer:

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") made on behalf of the Missouri Coalition for the Environment (MCE).

This request is not for a commercial use. Rather, the Coalition is concerned about transparency and wants to share information with the general public. For this reason, and also for the reason that disclosure of the requested information is in the public interest in that it is likely to contribute significantly to public understanding of the activities of the government when this information is reported to the public, we request a waiver of all fees for this request.

The Missouri Coalition for the Environment is a nonprofit public interest environmental organization whose mission includes preserving flood plains and wetlands for their values as flood storage and habitat for migratory birds and other species. In furtherance of our mission, we request that you make available for inspection and copying the records described below.

## **Requested Records**

Please provide copies of all documents in your possession relating to any Environmental Justice surveys or studies conducted in relation to the West Lake Landfill Superfund site.

If these materials are voluminous, please consult with me about reducing the burden and expense of copying them.

## **Request for fee waiver**

The Missouri Coalition for the Environment request that you waive all fees for this request. Under FOIA, information should be furnished free of charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the



requester." 5 U.S.C. § 552(a)(4)(A)(iii). MCE meets the fee-waiver standard, as explained below.

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. The subject of the request concerns "the operations and activities of the government because the request seeks records in the control of an executive branch agency, and thus necessarily concerns the operations and activities of the government.

The disclosure is likely to contribute significantly to public understanding of government operations or activities. MCE's history of active participation in oversight of governmental agency activities and consistent contribution to the public's understanding of agency activities are well established. In determining whether the disclosure of requested information will contribute significantly to public understanding, a guiding standard is whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject. *Carney v. U.S. Dept. of Justice*, 19 F.3d 807 (2d Cir. 1994). A requester need not show how it intends to distribute the information. *Judicial Watch v. Rossotti*, 326 F.3d 1309, 1314 D.C. Cir. 2003). It is sufficient for the requester to show the manner in which it distributes information to the public generally. *Id.* Great MCE has a recognized ability to disseminate this information broadly. We are a non-profit organization that informs and educates the public regarding environmental issues, policies, and laws relating to environmental issues. We have been involved in the oversight of numerous government agencies for years and has consistently displayed our ability to disseminate information granted to us through FOIA.

MCE distributes newsletters that provide information about our activities and educate and inform the public. We maintain an active web site. Requested information concerning the Environmental Justice survey will likely be disseminated through all of these means. See *Forest Guardians v. Dep't of Interior*, 416 F.3d 1173, 1180 (10th Cir. 2005) (in demonstrating that the records are meaningfully informative to the general public and by showing how it will disseminate such information, the requester has shown that the requested information is likely to contribute to the public's understanding of the agency's operations and activities).

MCE will share the information received from this FOIA request with other organizations interested in the activities of the EPA Region 7. Further, the information we seek will be shared with local media. Concurrent with any action MCE may take after obtaining the requested documents, we will publicize these actions. This is certain to result in a significant increase in public understanding of government agency activity, specifically EPA Region 7's public engagement and assessments of communities around the West Lake Landfill Superfund site.

Obtaining the information is of no commercial interest to MCE. Access to government documents and similar materials through FOIA requests is essential to their role of educating the general public. We are a non-profit organization, have no commercial interest and will realize no commercial benefit from the release of the requested information.



We trust this letter demonstrates to your satisfaction that we qualify for a full fee waiver. However, if you determine not to waive fees, we request that you contact us prior to incurring any costs in excess of \$50.

FOIA provides that if portions of a document are exempt from release, the remainder of the document must be segregated and disclosed. 5 U.S.C. § 552(b). Please make available for inspection and copying all non-exempt portions of the documents that we have requested, and we ask that you justify any deletions by reference to specific exemptions allowed under FOIA.

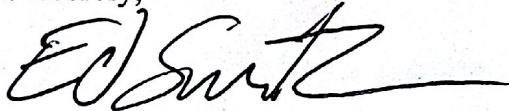
We look forward to your reply within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). If some of the documents requested require more than 20 days to compile, please do not let that delay the compiling of the remainder of the documents.

This request is being sent to the FOIA Coordinator for the Environmental Protection Agency Region 7 with the understanding that it will be forwarded to any other offices that may also have in their custody any requested records.

Please call me at 213-727-0600 if you have any questions about this request. We may be willing to modify the request to receive a more timely response.

Many thanks for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Smith', with a long horizontal flourish extending to the right.

Edward Smith  
Safe Energy Director  
Missouri Coalition for the Environment